

REMARKS

Claims 6-17 remain pending in the application.

In the Advisory Action dated April 1, 2003, the Examiner reiterated the rejection of claims 6-9, 11, 12, 15 and 17 under 35 U.S.C. 102(b) as being anticipated by Burnham. This rejection is respectfully traversed. Reconsideration of the application in view of the following remarks is requested.

The Examiner agreed with applicant's arguments that Burnham does not have two identical blades and that these two identical (*sic*) blades both curve in two different dimensions. However, the Examiner argued that the structural limitations of these two arguments are not found in claims 6-17. Applicant respectfully disagrees and contends that Burnham's pecan huller is distinguishable from applicant's corner cutter on the basis of the following structural and functional differences:

1. Burnham Does Not Teach or Suggest Separate Arcuate Blade Edges Secured to Blade Ends

In Claim 6, applicant claims an "upper blade end ... having an arcuate first blade edge secured thereto," and a "lower blade end having an arcuate second blade edge secured thereto". Thus, applicant claims separate first and second arcuate blade edges 9, 10 and 14, 15 secured to the respective blade ends 5, 6.

In contrast, Burnham teaches overhanging jaws 8 and 12 having sharpened edges 10 and 20. Burnham does not disclose or suggest blades separate arcuate blade edges *secured* to blade ends.

2. Burnham's Jaws with Sharpened Edges Are Not the Same Shape and Are Not in Registration

As shown in Figs. 2, 6 and 7 of Burnham, the shapes of the upper jaw 12 and the lower jaw 8 are not similar. The surface 15 of the lower jaw 12 raises at a point 11 whereas the surface of the upper jaw 8, referred to as an "overhanging jaw", is not meant to meet directly or be in registration with the lower jaw 12. The sharpened edges of lower jaw 12 and upper (or overhanging) jaw 8 are not in registration with each other. Because of these distinctions, (namely the difference in shape

and non-registration) the pecan huller of Burnham could never function and was not intended to function as a device to cut glass, but rather to cut and thereby shell pecan nuts.

In contrast, applicant's upper and lower blades are "disposed in mutually opposing positions". This requires that the upper and lower blades are similarly shaped so as to be in registration.

*3. Burnham's Pecan Huller Employs a Two-Step Cutting Operation
Whereas Applicant Teaches a One-Step Cutting Operation*

Burnham's pecan huller employs a two-step cutting operation. First, one end of the pecan is cut off by means of the sharpened edges 10 and 20 exposing the divider 2, so that the user knows the plane in which the divider is located. Then the user cuts a groove around the pecan shell so as to separate the shell into two parts, while cutting the divider free from the shell. The nut is extracted in one piece, with the divider remaining in place between the parts of the kernel.

In contrast, applicant's corner cutter employs a one-step cutting operation. As stated on page 5, lines 1-2 of the specification, the "upper and lower blade edge lines of the upper and lower blades substantially coincide at a planned cut line of the plate glass, and the plate glass is cut out along the planned cut line".

*4. The Cutting Edges of Burnham's Pecan Huller Are Not Similarly
Shaped To Curve in Two Dimensions As Are Applicant's Blades*

One of the blades (7) in Burnham's pecan huller varies and curves in only one dimension and does not have the same structural relationship of the parts as applicant's corner cutter, which has blades in registration with each other and which vary and curve together in at least one dimension and vary in disposition in another dimension.

*5. Burnham's Pecan Huller Can Only Remain in an Open
Or Semi-Open Position, Not in a Closed Position*

Applicant claims that "said handles and blade ends being pivotable about said pivot to provide opposing movement of said first and second blade edges between an open and closed

position”.

As set forth above in Point 2., in applicant's corner cutter the upper and lower blade edges substantially coincide, whereas in Burnham's pecan huller the two sharpened edges do not establish contact because to do so would mean crushing the pecan rather than extracting it from the shell. Burnham's pecan huller is not intended to close all the way in operational use. If it did, it would crush the nut, defeating the purpose of a huller.

6. Burnham's Pecan Huller is Non-Analogous Art as it Is Not Intended to Crush

The Examiner argues that Burnham is analogous art because "Burnham's apparatus is for crushing a brittle material". Applicant respectfully disagrees.

Burnham teaches two sharpened edges on the pecan huller, the first being a "groover and a cutter" 15 that is on the end of jaw 12 and a second sharpened edge 10 on overhanging jaw 8. As stated in Burnham, column 2, lines 47-48, "the jaw 12 tends to work toward the inside of the jaw 8". However, the sharpened edge of jaw 12 is not intended to contact the sharpened edge of jaw 8, because to do so would mean crushing the pecan, rather than forcing the pecan open along the divider line to extract the nut in one piece, defeating the purpose of the Burnham pecan huller.

Thus, Burnham is non-analogous art.

7. Burnham's Pecan Huller Is Not Intended to Cut Corners

Burnham's pecan huller does not anticipate applicant's corner cutter as it functions in a totally different way. Burnham's pecan huller could not be used to cut glass or brick materials. It could only be used for its purpose, namely, shelling pecans. Burnham is not intended to cut corners because it does not have the arcuate curve in the plane of cutting. It just has a curve in the face of contact of the jaws to allow for a pecan to be held in the jaws, but the cutting surface does not curve for the purpose of enabling a cut to be made on a curved line around a corner, as in the present invention.

Drawing Correction

The Examiner stated that the limitation in claim 14 that "the space between one of the two opposing outer portions of said first and said second blade edges is less than the space between the other of said opposing outer portions of said first and said second blade edges" is not shown in the drawings.

Accordingly, Applicant has amended Fig. 10 as shown in red in the enclosed proposed drawing sheet. Support for this change is found in the specification in the second paragraph on page 8. Review and approval of the proposed amendment is respectfully requested.

Conclusion

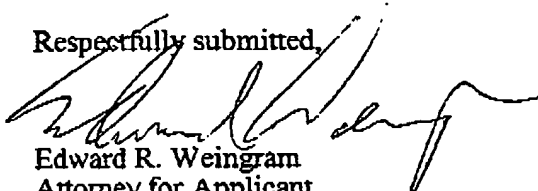
For these reasons, claims 6-9, 11, 12, 15 and 17 are not anticipated by Burnham. The remaining claims 10, 13, 14 and 17 were rejected as obvious over Burnham in view of Schwartz, Berg, and Welborn. The combination of any one or all of Schwartz, Berg, or Welborn with Burnham would not provide the requisite teaching or suggestion to one skilled in the art required to produce applicant's corner cutter. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

None of the references taken either singularly or in combination show or suggest a device for cutting brittle materials which has opposed arcuately shaped blade edges that have opposing movement between an opened and closed position in which the distance between the opposed sections of the blade edges varies along the blade edges when the blade edges are in a closed position.

In view of the foregoing Amendments and the Remarks in support thereof, it is respectfully submitted that this case is in condition for allowance. Favorable action on the merits, including entry of all requested amendments and allowance of all claims is respectfully solicited.

Dated: 5/12/03

Respectfully submitted,



Edward R. Weingram
Attorney for Applicant
Registration No. 31,977
WEINGRAM & ASSOCIATES, P.C.
P.O. Box 927
Maywood, NJ 07607
Tel: (201) 843-6300
Fax: (201) 843-6495